

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

VICTORIA MCCLOUD
and BARBARA BOYLE,

Plaintiffs

v.

CITY OF SUNBURY

Defendant

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:
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NO. 4:CV-04-2322

COMPLAINT FILED: 10/21/04

JURY TRIAL DEMANDED

JUDGE MUIR

**RESPONSES TO DEFENDANT'S MOTION TO STAY PLAINTIFFS' MOTION FOR
ATTORNEY FEES AND EXPENSES PENDING APPEAL**

1. Admitted.

2. Admitted.

3. Admitted.

4. Admitted.

5. It is denied that Plaintiffs' Motion for Attorney Fees and Expenses Fees is premature and should be stayed pending the outcome of Defendant's Appeal. As this court is aware, the vast majority of appeals from District Court jury verdicts are affirmed. Therefore, in all likelihood, a stay would only result in the Court having to revisit the issue of attorney fees at a later date when the case is no longer fresh in the Court's mind. More importantly, a ruling on Plaintiffs' Motion for Attorney Fees and Expenses will allow the

Appellant Court to address any appealable issues related to Attorney Fees, therefore, conserving judicial resources.

By: s/Michael J. Zicolello

Michael J. Zicolello

I.D. #65522

Attorney for Plaintiffs

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CERTIFICATE OF SERVICE

Michael J. Zicolello hereby certifies that Responses to Defendant's Motion to Stay Plaintiffs' Motion for Attorney Fees and Expenses Pending Appeal has been served upon the following individual and in the manner indicated on this 28th day of December, 2005:

VIA ELECTRONIC MAIL

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SCHEMERY ZICOLELLO

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